

REMARKS

Status of the Claims

The Office Action notes claims 2-16, 20-23, 25-29, 31-44, 48-50, 52-59, 63, 64, 66-69, 71-77, and 79-85 as pending in the application. All claims stand rejected.

This Amendment cancels claims 74, 82, and 83. Therefore, claims 2-16, 20-23, 25-29, 31-44, 48-50, 52-59, 63, 64, 66-69, 71-73, 75-77, 79-81, and 84-85 remain pending.

Comments Regarding Current Amendments

Applicant has amended the independent claims. To the extent the claims have not changed with respect to changes made by the previous amendment, the analysis provided in the previous amendment, which Applicant has included below, applies.

In addition to the analysis given in the previous amendment, Applicant has amended previous versions of the claims to clarify limitations that the claims did not explicitly recite. However, limitations in the previous version of the claims implicitly included the now-explicit subject matter.

The amendments to the claims made by this Amendment relate generally to a computer system wirelessly receiving data from one, or more, vehicles. The computer processes the received data into derived information, which although based on the received data has a meaning distinct from the received data. Typically, a mathematical algorithm executing on the computer directs the processing by the computer, which may compare information contained in the received data, as well as derived information, to predetermined criteria.

For example, the data sent from a vehicle may contain information corresponding to multiple parameters, examples of which include, but are not limited to: the status of a Malfunction Indicator Light ("MIL"), sometimes referred to as a 'check engine' light; braking intensity and history thereof; acceleration magnitude and history thereof; vehicle speed and history thereof; engine RPM and history thereof; fuel usage and history thereof; oxygen concentration in exhaust gasses and history thereof; engine temperature and history thereof. These parameters may be thought of as diagnostic parameters and typically relate to operational parameters of a vehicle.

However, processing information contained in the received data can result in derived information that can convey intelligence related to the emissions performance and output of a vehicle. The derived information is different from, and has distinct meaning from, the received data from which the processor derived it. Some of the received data may include the status of the MIL light in a given vehicle. The received data may also include data that indicates whether various systems related to emission performance are operable. These data tend to relate to whether a particular component is operating and basically performing its design function. Other received data that does not relate to emissions may include vehicle speed, engine RPM, vehicle acceleration, brake system usage, etc.

In addition to displaying the values corresponding to the received data, the mathematical algorithm may process these values and produce an output therefrom that is distinct from the values of the received data. The algorithm may produce an output signal that causes a computer receiving the signal to display a symbol, icon, data field, or other indication on a screen or device that the vehicle corresponding to the derived data is

operating in an emission-optimized manner. The algorithm may cause a computer to display an icon on a computer screen in a green color if certain predetermined information derived from received data indicates that a vehicle that sent the data has operated at least as good as predetermined criteria.

For example, if received data indicates that no emission-related sensors, or systems, are malfunctioning, the criteria might be met. In addition, the criteria may also include a range of values for vehicle acceleration – rapid vehicle changes in velocity, either from braking (deceleration), increasing speed (acceleration), or cornering (lateral acceleration) that tends to correspond to inefficient driving behavior. Since fuel mileage is inversely proportional to emissions from a vehicle, better (*i.e.* efficient) driving habits correspond to lower emission from the vehicle. Thus, the algorithm output results may cause the icon to display as green when the received data includes no malfunction code indicating an emission-related sensor or system malfunction and the driver's driving habits have not caused average acceleration values over a given period to exceed a predetermined limit. Other derived information that may reflect low emission output from a vehicle, and thus cause the icon to display as green, might include the ratio of engine RPM to vehicle speed – if the ratio of engine speed to vehicle speed does not exceed a predetermined limit, then the icon could display as green. Furthermore, the algorithm can process the received data into derived information and cause a computer to display the icon as green when any of the factors indicate good emission performance (e.g., no emission system sensor malfunctions, low acceleration value, or low engine speed to vehicle speed ratio) or only when derived information values meet a predetermined criteria.

One skilled in the art will understand that other examples of derived information can also correspond to better emission performance. For example, generally lower vehicle speed corresponds to lower emission output because lower speeds correspond to less fuel used to travel a given distance. Less fuel burned corresponds to less emission from a vehicle. Thus, a limit on engine speed could serve as a criterion alone, or in combination with other criteria. Moreover, the algorithm could process received data so that a criterion for vehicle speed, as an example, could be a limit of 60 MPH if no acceleration data values have exceeded a predetermined limit for a given amount of time. Or, the criterion could be a lower limit if an acceleration value indicates high acceleration during a period prior to a sampling of vehicle speed, which would typically occur when a vehicle accelerates from a stop.

In the preceding scenario, the displaying of an icon in a green color is an example of derived information. The received data may relate to engine speed, vehicle speed, vehicle acceleration, etc. whereas the derived information has a meaning (*i.e.*, emission) distinct from the received data.

The Application of the present application discloses the subject matter claimed in the amendments to the claims. Thus, this Amendment does not add new matter.

Regarding the references cited by the examiner, in addition to the arguments reproduced below that the amendment following the previous office action advanced, Schick and Chou do not disclose, either alone or in combination with one another, the claimed subject matter. Schick discusses transmitting and reporting information corresponding to various parameters. In Schick, the host computer compares received information to historical data for “identical vehicle systems.” (*i.e.*, comparing speed at a

given point to historical speed data). Par. [0041]. In paragraph [0033], Schick discusses collecting data from mobile assets and determining whether the data falls outside a predetermined range. While this may sound similar to the claimed subject matter, the processing in Schick only compares information about one parameter to criteria for that same parameter and then merely generates reports regarding that data. Thus, in Schick, received data for a given parameter, for example vehicle speed, is compared to criteria for speed and the results of the comparison are displayed as being within, or outside of, criteria for vehicle speed. Since speed data does not have a distinct meaning from speed criteria, Schick does not anticipate the claimed subject matter.

Schick contrasts with the claimed subject matter because it does not disclose generating derived information that has a meaning distinct from the received data. Furthermore, Schick does not disclose receiving data corresponding to certain parameters (e.g., vehicle speed, engine RPM, acceleration) and processing it to generate derived information that has a meaning (*i.e.*, emission) distinct from the received data. Thus, Schick does not anticipate the claimed subject matter.

Regarding Chou and the obviousness rejection, the office action does not reject any independent claims as obvious except for claims 25 and 29. In the obviousness rejection of claims 25 and 29, the office action does not mention any reference except Schick in view of knowledge of one skilled in the art. The office action does not apply the combination of Schick and knowledge of one skilled in the art against the claimed subject matter regarding derived information that has meaning distinct from the received data.

Accordingly, Applicant has shown that the Schick reference does not anticipate the independent claims, and Schick in combination with knowledge of one skilled in the art does not render any of the independent claims obvious. Furthermore, since Schick does not anticipate the subject matter claimed in the independent claims, Schick also does not anticipate the claims that depend therefrom. In addition, since the office action does not make out a *prima facie* case of obviousness with respect to the independent claims, the claims that depend therefrom are not obvious either.

Applicant amends the claims by this Amendment. Applicant has shown that the cited references, either alone or in combination, do not anticipate, or render obvious, the claims, either as previously presented, or as amended hereby. Applicant respectfully requests withdrawal of the rejections of the claims.

For Examiner's convenience, Applicant has included below the arguments made in the previous amendment. In addition to the arguments presented above, the arguments below still apply to the claimed subject matter.

A. Rejection under 35 U.S.C. § 102 as being anticipated by U.S. Patent Publication 2002/0065698 to Schick, et. al. ("Schick").

To reject a claim as anticipated by a reference, an examiner must show that the reference discloses each and every element claimed in the rejected claim. Furthermore, the reference must show the claimed elements arranged as in the rejected claim. Lindermann Maschinenfabrik GmbH v. American Hoist and Derrick Co., 730 F.2d 1452, 1458 (Fed. Cir. 1984). Moreover, a reference does not anticipate under U.S.C. § 102 even if it discloses all

the elements if it “disclose[s] an entirely different device . . .” Moneyin, Inc. v. Verisign, Inc., 545 F.3d 1359, 1370 (Fed. Cir. 2008), citing Lindermann at 1458. Reiterating the rule from Lindermann, in 2008 the Federal Circuit held in Net Moneyin “that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under U.S.C. § 102.” 545 F.3d 1359, 1371.

Claim 2 in the present application recites in part “. . . (b) processing the data with the computer system to generate diagnostic or location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations, and wherein the derived information has a meaning distinct from the received data . . .” The reference cited in the office action does not disclose this element. Furthermore, Applicant traverses the determination made in the office action that the evidence submitted the 37 CFR sec. 1.131 declaration does not establish a reduction to practice prior to the effective date of the sole reference, Schick, et. al. (“Schick”).

In the declaration under 37 CFR sec. 1.131 (“Declaration”) submitted in July 2008, Exhibit 4 shows a screen shot of a web site that displays information related to a vehicle. In addition to data from various sensors, for example fuel pressure, intake manifold pressure, engine RPM, and vehicle speed, the web site also displays derived information. An example of derived information is the odometer values shown in the column just to the right of the time the data was acquired. Presumably, the date information for each data sample was redacted in the Declaration exhibit for clarity. Since the screen shot was generated while preparing the Declaration to submit in response to the previous office action, which was issued in January 2008, including date stamps of 2008 would add confusion to the Declaration because the inventors are swearing behind a date of May 1, 2000.

In paragraph 7 of the Declaration, the inventors declare that the screen shot of the web site shown in Exhibit 4 shows that they reduced to practice the element of deriving and showing derivative data before May 1, 2000. Thus, the previously submitted Declaration provides evidence that the inventors reduced to practice the elements of claim 2, including the element recited above regarding deriving and displaying derivative data,

Notwithstanding that the Declaration provides evidence that the inventors reduced the claimed subject matter to practice before May 1, 2000, the Schick reference does not disclose all of the elements claimed in claim 2. Claim 2 claims processing data received wirelessly at a centrally located computer. The processing includes determining derivative information from data received from one, or more, monitored vehicles, and then displaying the derivative information. Schick does not disclose this claim element.

On page 3, the present office action erroneously asserts that Schick discloses the element of determining derivative information in paragraph [0025]. In paragraph [0025], Schick describes a processor that processes information in database 39. The information processed includes operation parameter data, and environmental condition data. Such operational and environmental data may be analogous to the data transmitted and received wirelessly from a vehicle to a central location described and included in the subject matter claimed in the present application. Examples from the Declaration that one could analogize

to the operation parameter data in Schick are fuel pressure, manifold pressure, and RPM, shown in the screen shot of Exhibit 4.

However, Schick does not discuss deriving information from the operation parameter data to determine derivative information. For example, odometer data may be derived from directly monitored vehicle speed divided by a period over which the vehicle speed is monitored. Or, odometer values may be derived from the difference in distance values, as determined by a global positioning satellite ("GPS") circuit in a vehicle device at two points in time, and dividing the distance traveled by the difference in time between the two points. Since automobile manufacturers do not provide access to odometer information at an on board diagnostics ("OBD") connection, an aspect of the claimed subject matter provides a way to derive the odometer readings from speed, or position, and time data.

Schick does not discuss deriving and using derivative information. Rather, the processing discussed in Schick relates to processing the directly monitored operation parameter data with maintenance information (when a vehicle was repaired, and what was repaired), part number changes from a vehicle manufacture that relate to the vehicle, and design changes issued by the vehicle's manufacturer. [0025]. Indeed, in paragraph [0033], Schick discusses that "[once] data is collected from the mobile assets, it may be used to develop a variety of types of information regarding the mobile assets." Schick continues, stating that the monitored data can be used in comparing to a predetermined range, calculating trends for the monitored data that falls outside the predetermined range, and identifying system faults, etc. The reference describes that all of the uses of the monitored data make use of the monitored data, not information derived from the monitored data.

In reference to the discussion above relative to Exhibit 4 of the Declaration, monitored data in Schick is analogous to directly monitored and displayed data such as fuel pressure, engine RPM, and vehicle speed data shown in the exhibit. In contrast, derivative information claimed in claim 2 includes using operating parameter data (to borrow terminology from Schick) to derive other information that also indicates operating conditions of the monitored vehicle. Other examples of derivative information include deriving miles per gallon by dividing a distance traveled over a period by the amount of fuel used during the same period. The distance traveled may be determined by changes in GPS coordinates from the beginning to the end of the period. Alternatively, the distance traveled during the period can be determined by multiplying the speed during the period by the period. Another example of derived data is deriving carbon dioxide output from a vehicle from a mass air flow sensor signal and the amount of fuel used during a period, or over a certain distance, which as discussed previously, may be derived data. The common theme in the discussion of derivative information is that directly monitored data (typically data coming from a particular sensor, or circuit in a vehicle) that reflects an operating condition of a vehicle in real time, is used to derive derivative information, that also reflects an operating condition of the vehicle in real time that the vehicle does not monitor directly with a sensor.

Since Schick does not disclose the claimed subject matter of deriving information from directly monitored received data, wherein the derived data has a distinct meaning from the received data (e.g., odometer has a distinct from directly monitored speed and time data) Schick does not anticipate independent claim 2.

In addition, to the extent that Schick discusses processing received data (directly monitored data received from a vehicle) with other data in database 39, the other data is not data received wirelessly from a vehicle. Rather the other data comes from sources such as manufacturer updates and maintenance instances. Schick does not discuss that this other information is received wirelessly from a vehicle. Indeed, Schick discusses that maintenance data would be updated when a vehicle is brought to a service center 22 for inspection and maintenance, or when a manufacturer changes a part number, thus implying in paragraph [0025] that the data center 18 does not wirelessly receive the other information wirelessly from the vehicle, but rather from the service center, or from the manufacturer of the vehicle.

Even if Schick discloses all of the elements of claim 2, which it does not, as discussed above, Schick does not arrange or combine all of the limitations in the same way as recited in the claim because Schick does not disclose that the processor processes data that was wirelessly received from a vehicle. In Net Moneyin, 545 F.3d 1359 at 1371 the Federal Circuit held that a reference that disclosed two internet credit card processing protocols did not anticipate the rejected claims although the reference disclosed all of the claimed links, because the reference did not disclose the claimed arrangement of the links. Thus, as in Net Moneyin, Schick does not anticipate claim 2 because it does not disclose all of the claimed elements arranged or combined as claimed in claim 2.

Applicant has shown that the Declaration provides evidence that the inventors had reduced the subject matter claimed in claim 2 to practice before May 1, 2000, because the screen shot in Exhibit 4 illustrates a displays that shows derived data. Thus, Schick cannot serve as a reference in rejecting claim 2. In addition, Applicant has shown above that Schick does not disclose all of the elements of claim 2, because it does not teach deriving derived information. Furthermore, even if Schick did disclose all of the claimed elements, which it does not, it does not anticipate claim 2 because, assuming for the purposes of discussion that all data in database 39 is received data, the data analyzed at step 48 to produce performance reports is not all wirelessly received from a vehicle. Thus, for at least the reasons discussed above, Schick does not anticipate claim 2 under 35 USC sec. 102. Applicant respectfully requests withdrawal of the rejection.

With respect to the rejection under 35 USC sec. 102 of the other independent claims 25, 29, 31, 52, and 63, each of these claims includes the derivative information limitation analyzed above in reference to claim 2. Thus, Schick does not anticipate any of the independent claims in the present application. Accordingly, Applicant respectfully requests withdrawal of the rejection.

The office action also rejects dependent claims 3-5, 7-16, 20, 22, 32-34, 36-44, 48-49, 53-59, 64, 66-67, 69, 71-77, and 79-85. Since these dependent claims all depend from an independent claim that is allowable, as discussed above, they too are allowable because they include all of the limitations of the claim from which they depend. Applicant respectfully requests withdrawal of the dependent claims.

Notwithstanding that the dependent claims are allowable because they depend from an allowable claim, Applicant addresses rejections of dependent claims below.

With respect to claim 4, Schick does not disclose extracting a VIN from received data, as the office action asserts. Indeed, step 30 described in paragraph [0024] refers to a step of a method used by data management system 10 illustrated in FIG. 1. Thus, Schick

discloses that identifying a mobile asset occurs as part of using system 10 and method 28. In contrast, a vehicle identification number ("VIN") is assigned by a manufacturer of a vehicle at the point of manufacture. Thus, since step 30 refers to using a method after the manufacture of a given vehicle, step 30 cannot not refer to a VIN. In addition, even if step 30 did refer to a VIN, Schick does not disclose that the VIN is wirelessly received in the received data. Also, Schick does not disclose extracting numerical data, an alphanumeric text message, or an active or pending diagnostic trouble code. Applicant has amended claim 4 to remove the recitation of a GPS determined location. Thus, Schick does not anticipate claim 4. Similar analysis applies to claims 26, 33, and 53. Applicant respectfully requests withdrawal of the rejection of claim 4, 26, 33, and 53.

With respect to claim 5, as discussed above, Schick does not disclose that a communication contains a diagnostic trouble code. In paragraph [0024], Schick describes that analysis of operating parameter data may result in indentifying a critical fault. However, analyzing at a central computer a set of operating data to determine that a fault exists is not the same thing as receiving a diagnostic trouble code ("DTC"). Thus, Schick does not anticipate claim 5. Similar analysis applies to claims 34 and 54. Withdrawal of the rejection of claims 5, 34, and 54 is respectfully requested.

Notwithstanding that the Schick reference does not disclose receiving a communication containing a DTC, it also does not describe any particular form of DTC, such as 5, 6, or 7 digit DTC. Thus, Schick does not anticipate claim 6. Similar analysis applies to claim 35. Applicant respectfully requests withdrawal of the rejection of claims 6 and 35.

With respect to claim 14, a mileage value represents an odometer value with respect to another odometer value. As discussed above, a computer derives odometer values after wirelessly receiving other data such as speed and time data. Thus, since Schick does not discuss derived information, Schick does not anticipate claim 14. Similar analysis applies with respect to claim 42. Withdrawal of the rejection of claims 14 and 42 is respectfully requested.

With respect to claims 15 and 16, Schick does not disclose transmitting an alert in a communication. Although Schick discusses determining that a fault has occurred, Schick does not teach that the fault determination is transmitted in a communication as an alert. Thus, Schick does not anticipate claims 15 and 16. Similar analysis applies to claims 43, 44, and 59. Applicant respectfully requests withdrawal of the rejection of claims 15, 16, 43, 44, and 59.

B. Rejection under 35 U.S.C. § 103 as being obvious over Schick.

Applicant respectfully submits that the subject matter of the claims patentably distinguish over the cited references. Under MPEP Eighth Edition (Revision 5, August 2006), § 2143 required that for an examiner to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must not be based

on Applicant's disclosure. If any of these three criteria are not met, the Examiner has not met the burden of establishing a *prima facie* case of obviousness, and the rejection should be withdrawn.

As discussed in Federal Register Vol.72, No. 195, Wednesday, October 10, 2007, at page 57527, and reiterated in MPEP Eighth Edition (Revision 6, September 2007), an examiner must continue to find facts under Graham v. John Deere, 383 U.S. 1, (1966). Graham lays out three factual inquiries for an examiner to make: (a) determine the scope of the cited reference, (b) ascertain the differences between the references and the claimed invention, and (c) resolve the level of ordinary skill in the pertinent art. This latest revision to the MPEP follows the Supreme Court's decision in KSR International Co. v. Teleflex Inc., 550 U.S. 398 (2007), that "reaffirm[s] the familiar framework for determining obviousness as set forth in Graham []." See PDL Biopharma, Inc. v. Sun Pharm. Indus., 2008 U.S. Dist. LEXIS 105464, par. 92.

Regarding the elements of a *prima facie* case cleanly outlined in previous versions of §2143 of the MPEP, the Supreme Court did not remove the teaching, suggestion, motivation ("TSM") test from obviousness analysis, but merely said that the Federal Circuit errs in applying the TSM test if it uses the test to "transform[] the general principle into a rigid rule that limits the obviousness inquiry." KSR at 419. In addition, although now in separate subsections, MPEP §2143 still discusses each of the three required elements of a *prima facie*. Thus, the three required elements of *prima facie* obviousness still provide a useful framework in analyzing the Graham factors.

Furthermore, according to MPEP § 2145 D, "[i]t is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)." In Grasselli, the applicant claimed a catalyst that contained both iron and an alkali metal. The Grasselli court determined that the claimed subject matter "was not suggested by the combination of a reference which taught the interchangeability of antimony and alkali metal with the same beneficial result, with a reference expressly excluding antimony from, and adding iron to, a catalyst."

"A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." In re Gurley, 27 F.3d 551, 553 (Fed. Cir.1994). In interpreting this language from Gurley, the Federal Circuit stated that "[t]he prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed . . ." In re Fulton, 391 F.3d 1195, 1201 (Fed. Cir. 2004). Thus, a reasonable corollary to the Federal Circuit's language in Fulton would be that if a cited reference expressly teaches one embodiment that leads one of ordinary skill in the art in a path that diverges from the claimed invention, then the cited reference teaches away from the claimed invention.

Lastly, regarding rejection of dependent claims, each dependent claim includes all of the limitations of the independent claim from which it depends. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988). Thus, in light of the above, Applicant respectfully submits that the burden of establishing a *prima facie* case of obviousness has not been met, as discussed in the analysis given below.

The office action has not rejected any independent claims as obvious under 35 USC sec. 103. Thus, according to the Federal Circuit in In re Fine, all of the dependent claims that depend from the independent claims are also not obvious.

With respect to the rejection of claim 6, the office action erroneously rejects the claim as obvious over Schick apparently in view of official notice. The office action refers to federal OBD-II regulations that refer to 5 digit codes. However, combining the OBD-II specifications with Schick does not provide a suggestion to combine because Schick leads one away from the claimed invention.

In about the middle of paragraph [0031], Schick discusses that “[c]omputers and/or personnel located at the data center 18 may analyze the data 48 and identify that the anomaly exists 58 and determine that a maintenance action 60 is recommended.” In this passage, Schick teaches that centrally located computers and personnel determine that an anomaly, or fault, exists. The analysis is similar to the Federal circuits analysis in Grasselli, where a reference which taught the interchangeability of antimony and alkali metal with the same beneficial result combined with a reference expressly excluding antimony from, and adding iron to, a catalyst would lead one away from a catalyst that contained both iron and an alkali metal. In reference to the current rejection in the present application, Schick expressly teaches determining an anomaly at a centrally located location, based on operating parameter data received at the central location. Thus, combining Schick with the official notice regarding OBD-II does not lead to a likelihood of success, because it leads away from wirelessly receiving from a vehicle a diagnostic trouble code that identifies a problem. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 6 and 35, which both claim the same limitation.

Claim 21 depends from claim 2. The office action does not reject claim 21 as obvious, thus claim 21 is not obvious. Withdrawal of the rejection is respectfully requested.

Claim 23 depends from claim 2. The office action does not reject claim 23 as obvious, thus claim 23 is not obvious. Withdrawal of the rejection is respectfully requested.

With respect to the rejection of claim 35, the office action makes an obviousness rejection based on Schick and Official Notice. In reference to Schick, the office action correctly states that the reference does not disclose that a communication includes a 5, 6, or 7 digit code that describes a diagnostic trouble code. The discussion in Schick regarding diagnostics in paragraph [0035] does not refer to diagnostic trouble codes. As discussed above, in paragraph [0031] Schick teaches away from wirelessly sending diagnostic trouble codes from the vehicle to a central location. Since it would not be obvious to wirelessly send diagnostic trouble codes from a vehicle to a central location, it would not be obvious to wirelessly send a 5-digit diagnostic trouble code from a vehicle to a central location.

Furthermore, claim 35 depends from independent claim 31, which the office action has not rejected as obvious. Thus, claim 35 cannot be obvious either under In re Fine. Withdrawal of the rejection of claim 35 is respectfully requested.

With respect to the rejection of claim 50, the claim also depends from independent claim 31. Since the office action does not reject claim 31 as obvious, claim 50 is also not obvious according to Federal circuit precedent In re Fine. Withdrawal of the rejection of claim 50 is respectfully requested.

Claim 25 recites in part “. . . (b) processing the data with the computer system to generate diagnostic or location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations, and wherein the derived information has a meaning distinct from the received data” As discussed above in section A of this Amendment, Schick does not disclose determining derivative data that has meaning distinct from the wirelessly received data. Therefore, since the reference does not teach all of the elements, notably elements (b) and (d) recited in claim 25, the patent office has not presented a *prima facie* case of obviousness.

Furthermore, when analyzing the claimed invention as a whole, Schick does not disclose, or infer, that a web site provides one web page for use by end users to view derivative information relative to the user's vehicle, and another web page, from the same web site, that is used by an organization, typically commercial, to view derivative information relative to a plurality of vehicles operated by the organization. Thus, Schick does not disclose this element of claim 25 either. Since the office action has not presented a *prima facie* of obviousness, Applicant respectfully requests withdrawal of the rejection.

The office action rejects claim 26 as obvious for the same reason it rejected claim 4 under 35 USC sec. 102. As discussed above, Applicant has amended claim 4 to remove the reference to GPS. Schick does not disclose any of the other limitations, as discussed above. In addition, claim 25, from which claim 26 depends, is not obvious, as just discussed. Applicant respectfully request withdrawal of the rejection.

With respect to claims 27 and 28, claim 25, from which they depend, is not obvious, as discussed above. Thus, claims 27 and 28 are also not obvious. Applicant respectfully requests withdrawal of the rejection.

With respect to the rejection of the claim 29, the claim distinguishes over the references for the same reasons as given above in the analysis of the rejection of claim 25. Namely, Schick does not disclose determining derivative data that is distinct from wirelessly received data. In addition, the reference does not disclose that a first webpage from a web site allows access to, and provides derivative information relative the vehicle of, a user; and a second web page from the same web site that allows access to, and provides derivative information relative to the vehicles of, an organization. Accordingly, claim 29 patentably distinguishes over the reference, and the Applicant respectfully requests withdrawal of the rejection.

C. Rejection under 35 U.S.C. § 10 as being obvious over Schick in view of U.S. Patent 6,400,701 to Lin, et. al. (“Lin”).

As discussed above, Schick does not disclose determining derivative information that is distinct from received wireless data. The office action has not rejected as obvious claim 63, from which claim 68 depends. Thus, claim 68 is not obvious. Withdrawal of the rejection is respectfully requested.

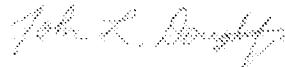
SUMMARY

Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment please contact the undersigned at the mailing address, telephone, facsimile number, or e-mail address indicated below.

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